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Filing date: **12/23/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91218720
Party	Defendant NutraMarks, Inc.
Correspondence Address	EMILY J COOPER HOLLAND & HART LLP 1800 BROADWAY, STE 300 BOULDER, CO 80302 UNITED STATES tgetzoff@hollandhart.com, ejcooper@hollandhart.com, jguy@hollandhart.com, docket@hollandhart.com
Submission	Motion to Suspend for Civil Action
Filer's Name	Timothy P. Getzoff
Filer's e-mail	tgetzoff@hollandhart.com, ej-cooper@hollandhart.com, jguy@hollandhart.com, docket@hollandhart.com
Signature	/Timothy P. Getzoff/
Date	12/23/2014
Attachments	Motion to Suspend.pdf(12787 bytes ) Exhibit A - Complaint.pdf(3632239 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Affordable Naturals, LLC,  Opposer,  v.  NutraMarks, Inc.,  Applicant.	Opposition No.: 91218720  Mark: SIMPLERS  Serial No.: 86078760
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**MOTION TO SUSPEND PROCEEDINGS IN VIEW OF PENDING CIVIL  
ACTION PURSUANT TO TRADEMARK RULE 2.117(A)**

Applicant, NutraMarks, Inc. moves for suspension of the above-captioned opposition proceeding, pending determination of a related pending civil action, pursuant to Trademark Rules 2.117(a) and 2.127(a), and TBMP § 510.02(a).

NutraMarks and Opposer Affordable Naturals, LLC are involved in litigation pending before the United States District Court for the District of Utah, entitled *Nutraceutical Corporation and NutraMarks, Inc. v. Affordable Naturals, LLC*, Civil Action No. 2:14-cv-00907-EJF “Federal Action”) (see Complaint filed on December 12, 2014, filed herewith as Exhibit A). The Federal Action involves the same parties, the same trademarks, and the same issues as those involved in the instant Opposition proceeding, that is, whether a likelihood of confusion exists between Applicant’s SIMPLERS Mark and Opposer’s SIMPLY mark, and the issue of which party is the senior user of their respective marks.

In addition, in the Federal Action NutraMarks seeks an Order “enjoining the Defendant and each of its officers, directors, agents, servants, and employees, and all others acting in concert with and having knowledge thereof, from using the SIMPLY mark, or any other mark

confusingly similar thereto, in connection with the promotion, sale, or offer of sale of personal care or related products.” See Complaint (Ex. A) at “Prayer for Relief.”

Where the parties to a proceeding before the Board are involved in a civil action, the final determination of which will have a bearing on the proceeding before the Board, the TTAB proceedings should be suspended until final determination of the civil action. See 37 C.F.R. § 2.117(a); *The Other Telephone Company v. Connecticut National Telephone Company, Inc.*, 181 U.S.P.Q. 125, 127 (T.T.A.B., Feb. 11, 1974); *Miller v. B&H Foods, Inc.*, 209 U.S.P.Q. 357, 359 (T.T.A.B. Jan. 5, 1981) (“[U]nder normal circumstances, where, as here, the civil action between the parties may be dispositive or have a direct bearing on the issues in a proceeding before the Board, it is the practice to suspend the proceeding before the Board to await the outcome of the civil action and to determine its effect on the issues in the action in the Patent and Trademark Office.”); see also *The Toro Company v. Hardigg Industries, Inc.*, 187 U.S.P.Q. 689, 692 (T.T.A.B. August 19, 1975) (granting motion to suspend based on a civil action seeking an injunction: “Thus there can be no doubt but that the final resolution of the civil action may be dispositive of the issues involved in this proceeding”).

Here, the determination of the issues in the Federal Action will not only “have a bearing on,” but will be dispositive of these proceedings, so suspension is proper. See *id.* (“[W]hile the decision of the Federal District Court would be binding upon the Patent and Trademark Office, a decision by the Board would not be binding or res judicata as to the issues before the court”). Suspension will also avoid the unnecessary expenditure of both the Board’s and each of the parties’ resources in litigating the same issue in two forums and will avoid the potential for inconsistent results.

For the above reasons, NutraMarks respectfully requests that the Board grant this Motion and suspend the above-captioned opposition proceedings pending the final disposition of the Federal Action.

Dated: December 23, 2014.

/s/ Timothy S. Getzoff  
Timothy S. Getzoff  
Emily J. Cooper  
tgetzoff@hollandhart.com  
ejcooper@hollandhart.com  
HOLLAND & HART LLP  
1800 Broadway, Suite 300  
Boulder, Colorado 80302  
Telephone: 303-473-2700  
Facsimile: 303-473-2720

**ATTORNEYS FOR APPLICANT  
NUTRAMARKS, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that on December 23, 2014, I served a copy of the above **MOTION TO SUSPEND PROCEEDINGS IN VIEW OF PENDING CIVIL ACTION PURSUANT TO TRADEMARK RULE 2.117(a)** to the following in the manner indicated below:

Carl Christensen  
Christensen Law Office PLLC  
800 Washington Avenue North, Suite 704  
Minneapolis, Minnesota 55401

/s/ Timothy P. Getzoff

7415550\_1

## Exhibit A

Mark A. Miller (9563)  
mmiller@hollandhart.com  
HOLLAND & HART LLP  
222 South Main Street, Suite 2200  
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(801) 799-5800

Timothy P. Getzoff (*pro hac vice application to be filed*)  
tgetzoff@hollandhart.com  
HOLLAND & HART LLP  
One Boulder Plaza  
1800 Broadway, Suite 300  
Boulder, CO 80302  
(303) 473-2700

Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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**NUTRACEUTICAL CORPORATION,**  
a Delaware corporation, and

**NUTRAMARKS, INC.,**  
a Delaware corporation,

Plaintiffs,

vs.

**AFFORDABLE NATURALS, LLC,**  
a Minnesota limited liability company,

Defendant.

**COMPLAINT FOR  
TRADEMARK INFRINGEMENT**

Civil Case No. 2:14-cv-00907-EJF

Magistrate Judge Evelyn J. Furse

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Plaintiffs Nutraceutical Corporation and NutraMarks, Inc., in support of their Complaint against Defendant Affordable Naturals, LLC (“Defendant”), allege and state as follows:

## **INTRODUCTION**

1. This is an action for trademark infringement and unfair competition resulting from Defendant's unauthorized infringement of the SIMPLERS trademark to market and sell personal care products. Plaintiffs bring this action under the Lanham Act, 15 U.S.C. §§ 1051 *et seq.*, and supplemental state law, to enjoin Defendant's further violation of Plaintiffs' common law trademark rights in the SIMPLERS Mark, and to disgorge all profits received Defendant enjoyed in connection with its use of the infringing trademark.

## **THE PARTIES**

2. Plaintiff Nutraceutical Corporation ("Nutraceutical") is a Delaware Corporation having its principal place of business at 1400 Kearns Boulevard, Park City, Utah, 84060.

3. Plaintiff NutraMarks, Inc. ("NutraMarks") is a Delaware Corporation having its principal place of business at 1500 Kearns Boulevard, Park City, Utah, 84060.

4. Upon information and belief, Defendant Affordable Naturals, LLC ("Affordable Naturals") is a Minnesota limited liability company with its principal place of business at 6401 W. 106th Street, Bloomington, Minnesota. Defendant advertises, sells, and distributes its products in Utah, and its sales and distributions affect the commerce of the United States.

## **JURISDICTION AND VENUE**

5. This action arises under the Lanham Act, 15 U.S.C. §§ 1051 *et seq.*, and supplemental state law. This Court has subject matter jurisdiction pursuant to 15 U.S.C. § 1121, and 28 U.S.C. §§ 1331, 1338, and 1367.

6. Venue is proper in the District of Utah pursuant to 28 U.S.C. § 1391(b) and (c).

7. The Court has personal jurisdiction over Defendant because it transacts business and sells products into Utah and has caused an injury to Plaintiffs within the state of Utah.



## **GENERAL ALLEGATIONS**

### **Plaintiffs' Use of SIMPLERS Trademark On Cosmetic Preparations**

8. Nutraceutical (directly and through its subsidiaries) manufactures, distributes, and sells a wide variety of nutritional and dietary supplements, cosmetic products, and therapeutic topical products in health and natural food stores and similar outlets nationwide.

9. NutraMarks is a wholly-owned subsidiary of Nutraceutical and owns the trademark rights to the SIMPLERS trademark at issue. Unless otherwise specified herein, Nutraceutical and NutraMarks will be referred to collectively as "Nutraceutical."

10. Since at least as early as 1983, Nutraceutical and its predecessor-in-interest, Simplers Botanical Company, LLC, have used the term SIMPLERS as a trademark throughout the United States in connection with the advertising, promotion, and sale of cosmetic health and beauty products.

11. By virtue of its nationwide, continuous use of the SIMPLERS Mark, Nutraceutical and its predecessor-in-interest obtained nationwide common law rights to the SIMPLERS Mark throughout the United States by at least the 1983.

12. On September 30, 2013, NutraMarks filed an application to register the mark SIMPLERS with the United States Patent and Trademark Office ("USPTO") for "cosmetic preparations, namely, essential oils for personal use and aromatherapy use; perfume oils; non-medicated cosmetics and skin care products, namely, face and body creams, face, body and lip salves, face and body sprays, face and body balms, face and body oils, face and body liquid soaps, face and body moisturizers, face, body, and hand lotions, lip balms, shaving lotions, shaving balms, perfumes and colognes, and face and body bar soaps; hair care preparations;

massage oils.” A copy of NutraMarks’ trademark application for SIMPLERS is attached as Exhibit 1.

13. The SIMPLERS trademark application was duly examined by a Trademark Examiner at the USPTO who, on August 27, 2014, approved the SIMPLERS application for registration pursuant to 15 U.S.C. § 1062(a).

14. In addition, on September 30, 2013, NutraMarks filed an application to register the mark SIMPLERS BOTANICALS with the USPTO, which approved and issued the registration for SIMPLERS BOTANICALS (U.S. Reg. No. 4,647,662) on registered Dec. 2, 2014, for “cosmetic preparations, namely, essential oils for personal use and aromatherapy use; perfume oils; non-medicated cosmetics and skin care products, namely, face and body creams, face, body and lip salves, face and body sprays, face and body balms, face and body oils, face and body liquid soaps, face and body moisturizers, face, body, and hand lotions, lip balms, shaving lotions, shaving balms, perfumes and colognes, and face and body bar soaps; hair care preparations; massage oils.” A copy of NutraMarks’ trademark registration for SIMPLERS BOTANICALS is attached as Exhibit 2.

15. The SIMPLERS mark is inherently distinctive or has acquired distinctiveness through Nutraceutical and its predecessor-in-interest’s continuous and extensive use of the mark since 1983 in connection with the sale and promotion of its health and beauty products nationwide.

16. Nutraceutical and its predecessor-in-interest have expended considerable effort and expense advertising, marketing, and promoting the SIMPLERS mark throughout the United States. Consequently, Nutraceutical possesses and enjoys considerable goodwill in the

SIMPLERS mark, which represents a valuable asset in identifying the goods sold under the SIMPLERS mark.

**In 2009, Defendant Begins Use Of And Registers The SIMPLY Trademark For Personal Care Products**

17. On November 24, 2009, Defendant filed an application to register the mark SIMPLY with the USPTO, for “personal care products, namely lip balm.”

18. In its trademark application, Defendant represented to the USPTO that its first use in commerce for the SIMPLY mark was August 1, 2009.

19. The USPTO does not search or review common law rights when examining federal trademark applications. As a result, Nutraceutical and its predecessor’s common law rights to the SIMPLERS trademark dating back to 1983 were not considered or known by the USPTO when it reviewed Defendant’s trademark application for SIMPLY.

20. The USPTO granted Defendant’s registration for SIMPLY on March 22, 2011 (U.S. Registration No. 3,935,337).

**Defendant Opposes Nutraceutical’s SIMPLERS Application And Admits That A Likelihood Of Confusion Exists Between The SIMPLY and SIMPLERS trademarks**

21. On October 7, 2014, based on its registration for SIMPLY, Defendant filed a Notice of Opposition to NutraMark’s SIMPLERS application before the Trademark Trial and Appeal Board (“the TTAB”) (Opposition No. 91218720) (“the Opposition”).

22. In the Opposition, Defendant affirmatively asserted that Plaintiffs’ “Simplers mark for cosmetic preparations so resembles Opposer’s registered SIMPLY mark as to be likely to cause confusion, mistake, or deception, and is therefore precluded from registration under Section 2(d) of the Lanham Act, 15 U.S.C. 1052(d).” Notice of Opposition, ¶8 (attached as Exhibit 3).

23. Defendant made its admission that a likelihood of confusion exists in full view of Nutraceutical's claimed first use date of 1983 for the SIMPLERS mark, which is stated on Nutraceutical's trademark application and predates Defendant's first use by approximately twenty-six (26) years.

24. At no time has Plaintiff given Defendant permission, license, or authorization to use the confusingly similar mark SIMPLY in connection with personal care or related products.

25. Due to Defendant's actual knowledge of Plaintiff's senior rights to the SIMPLERS mark, Defendant's infringement has been willful.

### **FIRST CAUSE OF ACTION**

#### **(TRADEMARK INFRINGEMENT UNDER § 43(a) OF THE LANHAM ACT)**

26. Nutraceutical incorporates the preceding paragraphs as though set forth fully herein.

27. Defendant's actions as described above, and specifically Defendant's unauthorized use of the SIMPLY trademark to identify and promote its health and/or beauty products, is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendant with Nutraceutical, or as to the origin, sponsorship, or approval of Defendant's products by Nutraceutical. Defendant's conduct constitutes the use of a false designation of origin and false descriptions and representations in violation of § 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

28. Defendant's conduct has caused and continues to cause irreparable injury to the value and goodwill of Nutraceutical's SIMPLERS mark, as well as irreparable injury to Nutraceutical's business, goodwill, and reputation.

29. Nutraceutical has no adequate remedy at law because damages are continuing and difficult to ascertain.

30. Defendant's continued use of its Infringing Mark is deliberate, willful, and constitutes a knowing infringement of Nutraceutical's SIMPLERS mark. Nutraceutical, therefore, is entitled to disgorgement of Defendant's profits and attorneys' fees and costs incurred in this action, along with prejudgment interest.

**SECOND CLAIM FOR RELIEF**

**(Utah Truth in Advertising Act)**

31. Nutraceutical incorporates the preceding paragraphs as though set forth fully herein.

32. Defendant's actions described above, and specifically Defendant's unauthorized use of its Infringing Mark to identify and promote its nutritional and/or dietary supplements and/or health and/or beauty products, have caused or are likely to cause confusion or misunderstanding by actual and prospective purchasers and customers regarding the true source, sponsorship, approval, affiliation, connection, or association of Defendant's products. This conduct constitutes a deceptive trade practice and/or deceptive or misleading advertising practice in violation of Utah code Ann. § 13-11a-1 *et seq.*

33. Nutraceutical is entitled to prevent, restrain and enjoin Defendant from current and future uses of Nutraceutical's SIMPLERS mark.

34. Nutraceutical is entitled to an award of its attorneys' fees pursuant to § 13-11a-1 *et seq.* for being required to file and prosecute this action.

35. Nutraceutical has no adequate remedy at law, has suffered and is continuing to suffer irreparable harm as a result of Defendant's acts, and therefore is entitled to preliminary and permanent injunctive relief to enjoin Defendant from further misconduct.

**PRAYER FOR RELIEF**

Plaintiffs pray for the following relief and requests that:

1. The Court grant preliminary and permanent injunctive relief enjoining the Defendant and each of its officers, directors, agents, servants, and employees, and all others acting in concert with and having knowledge thereof, from using the SIMPLY mark, or any other mark confusingly similar thereto, in connection with the promotion, sale, or offer of sale of personal care or related products;
2. The Court order that Defendant account to Nutraceutical for all sales, revenues, and profits derived from sale of products under the SIMPLY mark, and that all such profits be disgorged and paid to Nutraceutical;
3. The Court order Defendant to withdraw and recall all infringing literature, Internet website use, advertising material, labels, and other items bearing the SIMPLY mark, and either deliver those materials to Nutraceutical for destruction or arrange for their destruction in a manner acceptable to Nutraceutical;
4. The Court order the Defendant to conduct corrective advertising sufficient to inform the consuming public that there is no connection between Nutraceutical and Defendant;
5. The Court award Nutraceutical the costs of this action and reasonable attorneys' fees and expenses.

Dated December 12, 2014.

Respectfully submitted,

/s/ Mark A. Miller  
Timothy P. Getzoff  
Mark A. Miller  
HOLLAND & HART LLP

**ATTORNEYS FOR NUTRACEUTICAL  
CORPORATION AND NUTRAMARKS, INC.**

7372743\_3

## Exhibit 1



PTO Form 1478 (Rev 9/2006)

OMB No. 0651-0009 (Exp 12/31/2014)

**Trademark/Service Mark Application, Principal Register****Serial Number: 86078760****Filing Date: 09/30/2013****The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	86078760
<b>MARK INFORMATION</b>	
<b>*MARK</b>	<a href="#">SIMPLERS</a>
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>LITERAL ELEMENT</b>	SIMPLERS
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
<b>*OWNER OF MARK</b>	NutraMarks, Inc.
<b>*STREET</b>	1500 Kearns Boulevard, Suite B200
<b>*CITY</b>	Park City
<b>*STATE (Required for U.S. applicants)</b>	Utah
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE (Required for U.S. applicants only)</b>	84060
<b>PHONE</b>	435-655-6000
<b>EMAIL ADDRESS</b>	legal@nutracorp.com

LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	003
* IDENTIFICATION	cosmetic preparations, namely, essential oils for personal use and aromatherapy use; perfume oils; non-medicated cosmetics and skin care products, namely, face and body creams, face, body and lip salves, face and body sprays, face and body balms, face and body oils, face and body liquid soaps, face and body moisturizers, face, body, and hand lotions, lip balms, shaving lotions, shaving balms, perfumes and colognes, and face and body bar soaps; hair care preparations; massage oils
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/01/1983
FIRST USE IN COMMERCE DATE	At least as early as 09/01/1983
SPECIMEN FILE NAME(S)	<a href="\\TICRS\EXPORT16\IMAGEOUT 16\860\787\86078760\xml1\APP0003.JPG">\\TICRS\EXPORT16\IMAGEOUT 16\860\787\86078760\xml1\APP0003.JPG</a>
	<a href="\\TICRS\EXPORT16\IMAGEOUT 16\860\787\86078760\xml1\APP0004.JPG">\\TICRS\EXPORT16\IMAGEOUT 16\860\787\86078760\xml1\APP0004.JPG</a>
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SPECIMEN DESCRIPTION	cosmetic preparations using essential oils for personal use with use of the mark on the front panel of the label
INTERNATIONAL CLASS	005
* IDENTIFICATION	Dietary and nutritional supplements; herbal products, namely, herbal supplements, herbal extracts and herbal tonics.
FILING BASIS	SECTION 1(a)

<b>FIRST USE ANYWHERE DATE</b>	At least as early as 09/01/1983
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 09/01/1983
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPE0-1991198551-165701079 . Simplers.BulkDisplayOptions.pdf</a>
<b>CONVERTED PDF FILE(S) (2 pages)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\860\787\86078760\xml1\APP0008.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\860\787\86078760\xml1\APP0009.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	Brochure of dietary, nutritional and herbal products with use of the mark on the front panel of the labels
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Alison Pitt
<b>FIRM NAME</b>	NutraMarks, Inc.
<b>STREET</b>	1500 Kearns Boulevard, B200
<b>CITY</b>	Park City
<b>STATE</b>	Utah
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	84060
<b>PHONE</b>	435-655-6000
<b>EMAIL ADDRESS</b>	legal@nutracorp.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Stanley E. Soper
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	Alison Pitt
<b>FIRM NAME</b>	NutraMarks, Inc.
<b>STREET</b>	1500 Kearns Boulevard, B200
<b>CITY</b>	Park City
<b>STATE</b>	Utah

<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	84060
<b>PHONE</b>	435-655-6000
<b>EMAIL ADDRESS</b>	legal@nutracorp.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	2
<b>FEE PER CLASS</b>	325
<b>*TOTAL FEE DUE</b>	650
<b>*TOTAL FEE PAID</b>	650
<b>SIGNATURE INFORMATION</b>	
<b>SIGNATURE</b>	/Alison Pitt/
<b>SIGNATORY'S NAME</b>	Alison Pitt
<b>SIGNATORY'S POSITION</b>	Attorney of record, UT bar member
<b>DATE SIGNED</b>	09/30/2013

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## **Trademark/Service Mark Application, Principal Register**

**Serial Number: 86078760**

**Filing Date: 09/30/2013**

### **To the Commissioner for Trademarks:**

**MARK:** SIMPLERS (Standard Characters, see [mark](#))

The literal element of the mark consists of SIMPLERS.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, NutraMarks, Inc., a corporation of Delaware, having an address of  
1500 Kearns Boulevard, Suite B200  
Park City, Utah 84060  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 003: cosmetic preparations, namely, essential oils for personal use and aromatherapy use; perfume oils; non-medicated cosmetics and skin care products, namely, face and body creams, face, body and lip salves, face and body sprays, face and body balms, face and body oils, face and body liquid soaps, face and body moisturizers, face, body, and hand lotions, lip balms, shaving lotions, shaving balms, perfumes and colognes, and face and body bar soaps; hair care preparations; massage oils

In International Class 003, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 09/01/1983, and first used in commerce at least as early as 09/01/1983, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) cosmetic preparations using essential oils for personal use with use of the mark on the front panel of the label.

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

[Specimen File5](#)

International Class 005: Dietary and nutritional supplements; herbal products, namely, herbal supplements, herbal extracts and herbal tonics.

In International Class 005, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 09/01/1983, and first used in commerce at least as early as 09/01/1983, and is now in use in such commerce. The applicant is submitting one(or more)

specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Brochure of dietary, nutritional and herbal products with use of the mark on the front panel of the labels.

**Original PDF file:**

[SPE0-1991198551-165701079\\_.Simplers.BulkDisplayOptions.pdf](#)

**Converted PDF file(s) (2 pages)**

[Specimen File1](#)

[Specimen File2](#)

**The applicant's current Attorney Information:**

Alison Pitt and Stanley E. Soper of NutraMarks, Inc.  
1500 Kearns Boulevard, B200  
Park City, Utah 84060  
United States

**The applicant's current Correspondence Information:**

Alison Pitt  
NutraMarks, Inc.  
1500 Kearns Boulevard, B200  
Park City, Utah 84060  
435-655-6000(phone)  
legal@nutracorp.com (authorized)

A fee payment in the amount of \$650 has been submitted with the application, representing payment for 2 class(es).

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

**Declaration Signature**

Signature: /Alison Pitt/ Date: 09/30/2013  
Signatory's Name: Alison Pitt  
Signatory's Position: Attorney of record, UT bar member  
RAM Sale Number: 86078760

RAM Accounting Date: 10/01/2013

Serial Number: 86078760

Internet Transmission Date: Mon Sep 30 17:06:59 EDT 2013

TEAS Stamp: USPTO/BAS-199.119.85.51-2013093017065926

7835-86078760-50078ad57da855b7b98825b9ea

951162f86eea8361098a542c4f77d4593588861a

-CC-8749-20130930165701079886

# SIMPLERS



## New! Perfumery Botanicals











## Suggested Initial Set Up: Top 12 Bestsellers

### Singles:

Kava  
St. John's Wort  
Echinacea  
Valerian  
Astragalus  
Chaste Tree (Vitex)

### Compounds:

Stress Relief Compound  
Milk Thistle Compound  
Echinacea/Goldenseal Compound  
Valerian/Hops Compound  
Nettle/Radish Compound  
Hawthorn Compound

## Why bulk extracts are the smart choice

- Free up shelf space and reduce inventory.
- Provide high quality organic extracts to customers while retaining the same profit margin as prepackaged single extracts.
- Organic Plants & Alcohol – We choose our herbs carefully, supporting organic farmers locally and worldwide and are Certified Organic by CCOF.
- Reduce waste and excess packaging.



**Simplers Botanicals** is an herbalist-operated company dedicated to providing highest quality organic herbal extracts. We use certified organic grain (corn) alcohol and we strive to purchase from small family farms whenever possible. All plants in our extracts are certified organic, ethically wildcrafted, or grown without chemicals. We do not use any wildcrafted herbs on the "At-Risk" list, unless they are from cultivated sources.

For more information about At-Risk plants see [www.unitedplantsavers.org](http://www.unitedplantsavers.org).

PO Box 2534, Sebastopol, CA, 95473  
800-652-7646 or 707-824-5900 office@simplers.com

# SIMPLERS BOTANICALS

## BULK LIQUID EXTRACTS DISPLAY OPTIONS



[www.simplers.com](http://www.simplers.com)



## Simplers Botanicals Bulk Liquid Extracts

### Compounds

<b>Bitters*</b>	A reliable remedy for promoting digestion and assimilation. <i>Artichoke, Blessed Thistle, Gentian, Ginger, Chamomile, Wormwood, Dandelion Root, Fennel</i>		
<b>Cramp**</b>	Assists the body in relieving menstrual cramping. <i>Black Haw, Chaste Tree, Yarrow, Motherwort, Wild Yam, Blue Vervain, St. John's Wort</i>		
<b>Dong Quai**</b>	Supports healthy function of the female reproductive system. <i>Dong Quai, Angelica Root, Blessed Thistle, Black Cohosh, Chaste Tree, Ginger, Licorice</i>		
<b>Echinacea/ Goldenseal*</b>	To support the body's immune function in times of stress. <i>Echinacea and Goldenseal</i>		
<b>Ech/Gold Glycerite</b>	To support the body's immune function in times of stress. <i>Echinacea and Goldenseal</i>		
<b>Eucalyptus**</b>	An expectorating remedy to help relieve respiratory congestion. <i>Eucalyptus, Yerba Santa, Grindelia, Hyssop, Elecampane, Yerba Mansa, Licorice</i>		
<b>Feverfew*</b>	For tonic use as a headache remedy. <i>Feverfew, Ginkgo, Lavender, Wild Yam and Lemon Verbena</i>		
<b>Ginkgo/ Skullcap*</b>	For mental fatigue and nervous exhaustion. <i>Ginkgo, Skullcap, Rosemary, Gotu Kola, Fo Ti</i>		
<b>Hawthorn*</b>	To help nourish and tone the heart and supporting tissues. <i>Hawthorn Berry, Leaf and Flower, Motherwort and Lavender</i>		
<b>Kava/Lavender Glycerite</b>	To help reduce anxiety and stress. <i>Kava and Lavender</i>		
<b>Milk Thistle**</b>	Helps promote body system detoxification and elimination. <i>Milk Thistle, Dandelion Root, Artichoke, Oregon Grape Root</i>		
<b>Nettle/Radish**</b>	A seasonal tonic to help relieve hay fever and allergy symptoms. <i>Nettle, Horseradish, Elder flower, Goldenrod, Goldenseal, Turmeric, Yarrow</i>		
<b>Saw Palmetto**</b>	To support healthy function of the male reproductive system. <i>Saw Palmetto, Echinacea, Marshmallow, Couchgrass, Hydrangea, Licorice, Nettle Root, Oat, Jamaican Sarsaparilla, Yarrow, Buchu</i>		
<b>Stress Relief*</b>	To promote a sense of well being. <i>Passion Flower, Skullcap, Chamomile, Lavender, Nettle Leaf, Oat</i>		
<b>Valerian/Hops*</b>	Calming Sleep Aid. <i>Valerian, Hops, St. John's Wort, Catnip, California Poppy, Blue Vervain, Skullcap</i>		

### Singles

Astragalus*	Echinacea*	Elder Berry Glycerite	Passion Flower*
Black Cohosh*	Echinacea Glycerite	Ginkgo*	Skullcap*
Chaste Tree Berry*	Eleuthero*	Hawthorn*	St. John's Wort*
		Kava	Valerian Root*

\* Certified Organic by CCOF    \*\* Made with Organic Ingredients

## Simplers Botanicals Bulk Display Options

### Space Saver Display

#### 6 Extracts of Your Choice & One Rotary

Compact box mounts on your own shelf and holds one stainless steel rotary dispenser (\$300 value, free leasing) and six extracts.

Six one ounce calibrated dispenser heads (a one time lease fee of \$10.00 each with free replacements as needed).

Place as many units as you wish side-by-side

**Total cost of opening order -  
\$714 for each 6-Extract Unit**



11.5"W x 10.5"D x 25"H

### Upright Display

#### Top 12 Extracts with Two Rotaries

A slim upright display – holds 2 stainless steel rotary dispensers (\$600 value, free leasing) and 12 Extracts

12 one ounce calibrated dispenser heads (a one time lease fee of \$10.00 each with free replacements as needed)

**Total cost of opening order - \$1,428**



18"W x 18"D x 6.5'H

### Both Display Options Include:

A free case of each 1, 2, and 4 ounce bottles (\$66.00 value)

Instructional signage & product information.

Each extract comes with a roll of custom labels providing the name of the extract, ingredients, and the recommended dosage.

**SRP \$6.99 (51% profit margin)**

## Exhibit 2



# United States of America

United States Patent and Trademark Office

## SIMPLERS BOTANICALS

**Reg. No. 4,647,662**

**Registered Dec. 2, 2014**

**Int. Cls.: 3 and 5**

**TRADEMARK**

**PRINCIPAL REGISTER**

NUTRAMARKS, INC. (DELAWARE CORPORATION)  
1500 KEARNS BOULEVARD, B200  
PARK CITY, UT 84060

FOR: COSMETIC PREPARATIONS, NAMELY, ESSENTIAL OILS FOR PERSONAL USE AND AROMATHERAPY USE; PERFUME OILS; NON-MEDICATED COSMETICS AND SKIN CARE PRODUCTS, NAMELY, FACE AND BODY CREAMS, FACE, BODY AND LIP SALVES, FACE AND BODY SPRAYS, FACE AND BODY BALMS, FACE AND BODY OILS, FACE AND BODY LIQUID SOAPS, FACE AND BODY MOISTURIZERS, FACE, BODY, AND HAND LOTIONS, LIP BALMS, SHAVING LOTIONS, SHAVING BALMS, PERFUMES AND COLOGNES, AND FACE AND BODY BAR SOAPS; HAIR CARE PREPARATIONS; MASSAGE OILS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 9-1-1983; IN COMMERCE 9-1-1983.

FOR: DIETARY AND NUTRITIONAL SUPPLEMENTS; HERBAL PRODUCTS, NAMELY, HERBAL SUPPLEMENTS, MEDICINAL HERBAL EXTRACTS SOLD AS A COMPONENT INGREDIENT OF DIETARY AND NUTRITIONAL SUPPLEMENTS, AND LIQUID HERBAL SUPPLEMENTS SOLD AS A COMPONENT INGREDIENT OF DIETARY AND NUTRITIONAL SUPPLEMENTS THAT AID IN SLEEP, RELAXATION AND WELLNESS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 9-1-1983; IN COMMERCE 9-1-1983.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BOTANICALS", APART FROM THE MARK AS SHOWN.

SER. NO. 86-078,793, FILED 9-30-2013.

ELIZABETH JACKSON, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

**First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

**Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

## Exhibit 3

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>ESTTA Tracking number: **ESTTA631511**Filing date: **10/07/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Affordable Naturals, LLC		
Entity	LLC	Citizenship	Minnesota
Address	6401 W. 106th Street Bloomington, MN 55438 UNITED STATES		

Correspondence information	Carl Christensen Attorney Christensen Law Office PLLC 800 Washington Ave N Suite 704 Minneapolis, MN 55401 UNITED STATES carl@clawoffice.com Phone:612-823-4427
----------------------------	---

**Applicant Information**

Application No	86078760	Publication date	09/16/2014
Opposition Filing Date	10/07/2014	Opposition Period Ends	10/16/2014
Applicant	NutraMarks, Inc. 1500 Kearns Boulevard, Suite B200 Park City, UT 84060 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 003. First Use: 1983/09/01 First Use In Commerce: 1983/09/01


All goods and services in the class are opposed, namely: cosmetic preparations, namely, essential oils for personal use and aromatherapy use; perfume oils; non-medicated cosmetics and skin care products, namely, face and body creams, face, body and lip salves, face and body sprays, face and body balms, face and body oils, face and body liquid soaps, face and body moisturizers, face, body, and hand lotions, lip balms, shaving lotions, shaving balms, perfumes and colognes, and face and body bar soaps; hair care preparations; massage oils

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Mark Cited by Opposer as Basis for Opposition**

U.S. Registration No.	3935337	Application Date	11/24/2009
Registration Date	03/22/2011	Foreign Priority Date	NONE

Word Mark	SIMPLY
Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2009/08/01 First Use In Commerce: 2009/08/01 personal care products, namely, lip balm, lip shimmers and sun block preparations

Attachments	77879714#TMSN.png( bytes ) Notice of Opposition.pdf(82487 bytes ) Exhibits to Notice of Opposition.pdf(4294725 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/Carl E. Christensen
Name	Carl E. Christensen
Date	10/07/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Affordable Naturals, LLC,  Opposer/Plaintiff,  v.  NutraMarks, Inc.,  Applicant/Defendant.	Opposition No. _____ Appln. No. 86078760 Mark: SIMPLERS
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**NOTICE OF OPPOSITION**

Affordable Naturals, LLC (“Opposer”), a Minnesota limited liability company, with a business address at 6401 W. 106<sup>th</sup> Street, Bloomington, MN, believes that it will be damaged by the registration of the mark that is the subject of Application No. 86078760, and hereby opposes its registration on the following grounds:

1. Opposer is the owner of Registration No. 3935337 for the mark SIMPLY as identifying personal care products, namely lip balm, issued by the Patent and Trademark Office (“PTO”) March 22, 2011 based on an application filed on November 24, 2009. As proof of status and title, attached hereto as Exhibit A, and incorporated by reference herein, are true and correct printouts of the PTO’s TARR and Assignment records for this registration.
2. Applicant filed in the PTO on September 30, 2013 Application No. 86078760 to register the mark Simplers for cosmetic preparations. *See* Application attached as Exhibit B.
3. Prior to Applicant’s filing of Application No. 86078760, Applicant knew that the mark SIMPLY to identify personal care products was in use in the United States.

4. Applicant is a Delaware corporation that produced cosmetic preparations and dietary supplements in the United States prior to the Applicant's filing of Application No. 86078760.

5. Applicant through NutraMarks, Inc. has produced and distributed in the United States the Simplers brand products. A sample of the labels used for the Simplers brand products from their trademark/service mark application are attached hereto as Exhibit B.

6. A sample of the labels used for the Simply brand personal care products are attached hereto as Exhibit C.

7. Opposer's Simply brand personal care products and Applicant's Simplers brand cosmetic preparations were both distributed to via the internet, in the United States.

8. Applicant's Simplers mark for cosmetic preparations so resembles Opposer's registered SIMPLY mark as to be likely to cause confusion, mistake or deception, and is therefore precluded from registration under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

9. If Applicant is granted registration of the Simplers mark, it would obtain a prima facie exclusive right to use of this mark that would cause damage and injury to Opposer.

WHEREFORE, Opposer respectfully requests that this opposition be granted and that Application 86078760 be denied registration.

**CHRISTENSEN LAW OFFICE PLLC**

Dated: October 7, 2014

By: /s/Carl E. Christensen  
Carl Christensen (MN Bar # 0350412)  
800 Washington Avenue North, Suite 704  
Minneapolis, Minnesota 55401  
(612) 823-4016  
(612) 823-4777 fax  
carl@clawoffice.com  
Attorney for Affordable Naturals, LLC

**Certificate of Service**

This is to certify that a copy of the foregoing Notice of Opposition with Exhibits A-C was served on this 7<sup>th</sup> day of October 2014 by first class mail, postage prepaid, on the following as applicant's attorney of record:

Alison Pitt  
Nutramarks, Inc.  
1500 Kerns Blvd. Ste B200  
Park City, Utah, 84060-7330

By: /s/Carl E. Christensen



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Affordable Naturals, LLC,  Opposer/Plaintiff,  v.  NutraMarks, Inc.,  Applicant/Defendant.	Opposition No. _____ Appln. No. 86078760 Mark: SIMPLERS
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**NOTICE OF OPPOSITION**

**Exhibit A**



## United States Patent and Trademark Office

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TESS was last updated on Tue Oct 7 03:21:01 EDT 2014

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	BOTTOM	HELP	PREV LIST	CURR LIST	NEXT LIST
FIRST DOC	PREV DOC	NEXT DOC	LAST DOC							

 Please logout when you are done to release system resources allocated for you.

 List At:  OR  to record:  **Record 1254 out of 1960**

TSDR	ASSIGN Status	TTAB Status
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*( Use the "Back" button of the Internet Browser to return to TESS)*

# SIMPLY

<b>Word Mark</b>	<b>SIMPLY</b>
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: personal care products, namely, lip balm, lip shimmers and sun block preparations. FIRST USE: 20090801. FIRST USE IN COMMERCE: 20090801
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77879714
<b>Filing Date</b>	November 24, 2009
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	April 27, 2010
<b>Registration Number</b>	3935337
<b>Registration Date</b>	March 22, 2011
<b>Owner</b>	(REGISTRANT) Food Market Merchandising, Inc. CORPORATION MINNESOTA 6401 West 106th Street

Bloomington MINNESOTA 55438

(LAST LISTED OWNER) AFFORDABLE NATURALS, LLC LIMITED LIABILITY COMPANY MINNESOTA  
6401 W. 106TH STREET BLOOMINGTON MINNESOTA 55438

**Assignment  
Recorded**

ASSIGNMENT RECORDED

**Attorney of  
Record**

Carl E. Christensen

**Type of Mark  
Register**

TRADEMARK  
PRINCIPAL

**Live/Dead  
Indicator**

LIVE

[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)[PREV LIST](#)[CURR LIST](#)[NEXT LIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)

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Mark: SIMPLY

SIMPLY

**US Serial Number:** 77879714  
**US Registration Number:** 3935337  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** Mar. 22, 2011  
**Publication Date:** Apr. 27, 2010  
**Application Filing Date:** Nov. 24, 2009  
**Registration Date:** Mar. 22, 2011  
**Notice of Allowance Date:** Jun. 22, 2010

## Mark Information

**Mark Literal Elements:** SIMPLY**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** personal care products, namely, lip balm, lip shimmers and sun block preparations**International Class(es):** 003 - Primary Class**U.S Class(es):** 001, 004, 006, 050, 051, 052**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** Aug. 01, 2009**Use in Commerce:** Aug. 01, 2009

## Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** AFFORDABLE NATURALS, LLC  
**Owner Address:** 6401 W. 106TH STREET  
 BLOOMINGTON, MINNESOTA 55438  
 UNITED STATES  
**Legal Entity Type:** LIMITED LIABILITY COMPANY  
**State or Country Where Organized:** MINNESOTA

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Carl E. Christensen  
**Attorney Primary Email Address:** [carl@clawoffice.com](mailto:carl@clawoffice.com)  
**Docket Number:** 1004-80-14  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Carl E. Christensen  
 Christensen Law Office PLLC  
 800 Washington Ave. North

Suite 704  
Minneapolis, MINNESOTA 55401  
UNITED STATES

Phone: (612) 823-4016

Correspondent e-mail: [carl@clawoffice.com](mailto:carl@clawoffice.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Sep. 17, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 17, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 10, 2014	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 22, 2011	REGISTERED-PRINCIPAL REGISTER	
Feb. 17, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Feb. 16, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	70633
Feb. 15, 2011	ASSIGNED TO LIE	70633
Jan. 22, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 10, 2011	STATEMENT OF USE PROCESSING COMPLETE	66230
Dec. 08, 2010	USE AMENDMENT FILED	66230
Jan. 07, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Dec. 08, 2010	TEAS STATEMENT OF USE RECEIVED	
Jun. 22, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 27, 2010	PUBLISHED FOR OPPOSITION	
Apr. 07, 2010	NOTICE OF PUBLICATION	
Mar. 19, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	74215
Mar. 19, 2010	ASSIGNED TO LIE	74215
Mar. 02, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 01, 2010	ASSIGNED TO EXAMINER	73365
Dec. 01, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 27, 2009	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 16, 2011

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 1

Registrant: Food Market Merchandising, Inc.

### Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [5355/0485](#)

Pages: 3

Date Recorded: Sep. 02, 2014

Supporting Documents: [assignment-tm-5355-0485.pdf](#)

### Assignor

Name: [FOOD MARKET MERCHANDISING, INC.](#)

Execution Date: Aug. 28, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: MINNESOTA

### Assignee

Name: [AFFORDABLE NATURALS, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: MINNESOTA

Address: 6401 W. 106TH STREET  
BLOOMINGTON, MINNESOTA 55438

Correspondent

Correspondent Name: CARL CHRISTENSEN

Correspondent Address: 800 WASHINGTON AVE N  
SUITE 704  
MINNEAPOLIS, MN 55401

Domestic Representative - Not Found

# SIMPLY





**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Affordable Naturals, LLC,  Opposer/Plaintiff,  v.  NutraMarks, Inc.,  Applicant/Defendant.	Opposition No. _____ Appln. No. 86078760 Mark: SIMPLERS
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**NOTICE OF OPPOSITION**

**Exhibit B**

PTO Form 1478 (Rev 9/2006)

OMB No. 0651-0009 (Exp 12/31/2014)

**Trademark/Service Mark Application, Principal Register****Serial Number: 86078760****Filing Date: 09/30/2013****The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	86078760
<b>MARK INFORMATION</b>	
<b>*MARK</b>	<a href="#">SIMPLERS</a>
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>LITERAL ELEMENT</b>	SIMPLERS
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
<b>*OWNER OF MARK</b>	NutraMarks, Inc.
<b>*STREET</b>	1500 Kearns Boulevard, Suite B200
<b>*CITY</b>	Park City
<b>*STATE (Required for U.S. applicants)</b>	Utah
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE (Required for U.S. applicants only)</b>	84060
<b>PHONE</b>	435-655-6000
<b>EMAIL ADDRESS</b>	legal@nutracorp.com

LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	003
* IDENTIFICATION	cosmetic preparations, namely, essential oils for personal use and aromatherapy use; perfume oils; non-medicated cosmetics and skin care products, namely, face and body creams, face, body and lip salves, face and body sprays, face and body balms, face and body oils, face and body liquid soaps, face and body moisturizers, face, body, and hand lotions, lip balms, shaving lotions, shaving balms, perfumes and colognes, and face and body bar soaps; hair care preparations; massage oils
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/01/1983
FIRST USE IN COMMERCE DATE	At least as early as 09/01/1983
SPECIMEN FILE NAME(S)	<a href="\\TICRS\EXPORT16\IMAGEOUT 16\860\787\86078760\xml1\APP0003.JPG">\\TICRS\EXPORT16\IMAGEOUT 16\860\787\86078760\xml1\APP0003.JPG</a>
	<a href="\\TICRS\EXPORT16\IMAGEOUT 16\860\787\86078760\xml1\APP0004.JPG">\\TICRS\EXPORT16\IMAGEOUT 16\860\787\86078760\xml1\APP0004.JPG</a>
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SPECIMEN DESCRIPTION	cosmetic preparations using essential oils for personal use with use of the mark on the front panel of the label
INTERNATIONAL CLASS	005
* IDENTIFICATION	Dietary and nutritional supplements; herbal products, namely, herbal supplements, herbal extracts and herbal tonics.
FILING BASIS	SECTION 1(a)

<b>FIRST USE ANYWHERE DATE</b>	At least as early as 09/01/1983
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 09/01/1983
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPE0-1991198551-165701079 . Simplers.BulkDisplayOptions.pdf</a>
<b>CONVERTED PDF FILE(S) (2 pages)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\860\787\86078760\xml1\APP0008.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\860\787\86078760\xml1\APP0009.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	Brochure of dietary, nutritional and herbal products with use of the mark on the front panel of the labels
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Alison Pitt
<b>FIRM NAME</b>	NutraMarks, Inc.
<b>STREET</b>	1500 Kearns Boulevard, B200
<b>CITY</b>	Park City
<b>STATE</b>	Utah
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	84060
<b>PHONE</b>	435-655-6000
<b>EMAIL ADDRESS</b>	legal@nutracorp.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Stanley E. Soper
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	Alison Pitt
<b>FIRM NAME</b>	NutraMarks, Inc.
<b>STREET</b>	1500 Kearns Boulevard, B200
<b>CITY</b>	Park City
<b>STATE</b>	Utah

<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	84060
<b>PHONE</b>	435-655-6000
<b>EMAIL ADDRESS</b>	legal@nutracorp.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	2
<b>FEE PER CLASS</b>	325
<b>*TOTAL FEE DUE</b>	650
<b>*TOTAL FEE PAID</b>	650
<b>SIGNATURE INFORMATION</b>	
<b>SIGNATURE</b>	/Alison Pitt/
<b>SIGNATORY'S NAME</b>	Alison Pitt
<b>SIGNATORY'S POSITION</b>	Attorney of record, UT bar member
<b>DATE SIGNED</b>	09/30/2013

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## **Trademark/Service Mark Application, Principal Register**

**Serial Number: 86078760**

**Filing Date: 09/30/2013**

### **To the Commissioner for Trademarks:**

**MARK:** SIMPLERS (Standard Characters, see [mark](#))

The literal element of the mark consists of SIMPLERS.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, NutraMarks, Inc., a corporation of Delaware, having an address of  
1500 Kearns Boulevard, Suite B200  
Park City, Utah 84060  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 003: cosmetic preparations, namely, essential oils for personal use and aromatherapy use; perfume oils; non-medicated cosmetics and skin care products, namely, face and body creams, face, body and lip salves, face and body sprays, face and body balms, face and body oils, face and body liquid soaps, face and body moisturizers, face, body, and hand lotions, lip balms, shaving lotions, shaving balms, perfumes and colognes, and face and body bar soaps; hair care preparations; massage oils

In International Class 003, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 09/01/1983, and first used in commerce at least as early as 09/01/1983, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) cosmetic preparations using essential oils for personal use with use of the mark on the front panel of the label.

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

[Specimen File5](#)

International Class 005: Dietary and nutritional supplements; herbal products, namely, herbal supplements, herbal extracts and herbal tonics.

In International Class 005, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 09/01/1983, and first used in commerce at least as early as 09/01/1983, and is now in use in such commerce. The applicant is submitting one(or more)

specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Brochure of dietary, nutritional and herbal products with use of the mark on the front panel of the labels.

**Original PDF file:**

[SPE0-1991198551-165701079\\_.Simplers.BulkDisplayOptions.pdf](#)

**Converted PDF file(s) (2 pages)**

[Specimen File1](#)

[Specimen File2](#)

**The applicant's current Attorney Information:**

Alison Pitt and Stanley E. Soper of NutraMarks, Inc.  
1500 Kearns Boulevard, B200  
Park City, Utah 84060  
United States

**The applicant's current Correspondence Information:**

Alison Pitt  
NutraMarks, Inc.  
1500 Kearns Boulevard, B200  
Park City, Utah 84060  
435-655-6000(phone)  
legal@nutracorp.com (authorized)

A fee payment in the amount of \$650 has been submitted with the application, representing payment for 2 class(es).

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

**Declaration Signature**

Signature: /Alison Pitt/ Date: 09/30/2013  
Signatory's Name: Alison Pitt  
Signatory's Position: Attorney of record, UT bar member  
RAM Sale Number: 86078760

RAM Accounting Date: 10/01/2013

Serial Number: 86078760

Internet Transmission Date: Mon Sep 30 17:06:59 EDT 2013

TEAS Stamp: USPTO/BAS-199.119.85.51-2013093017065926

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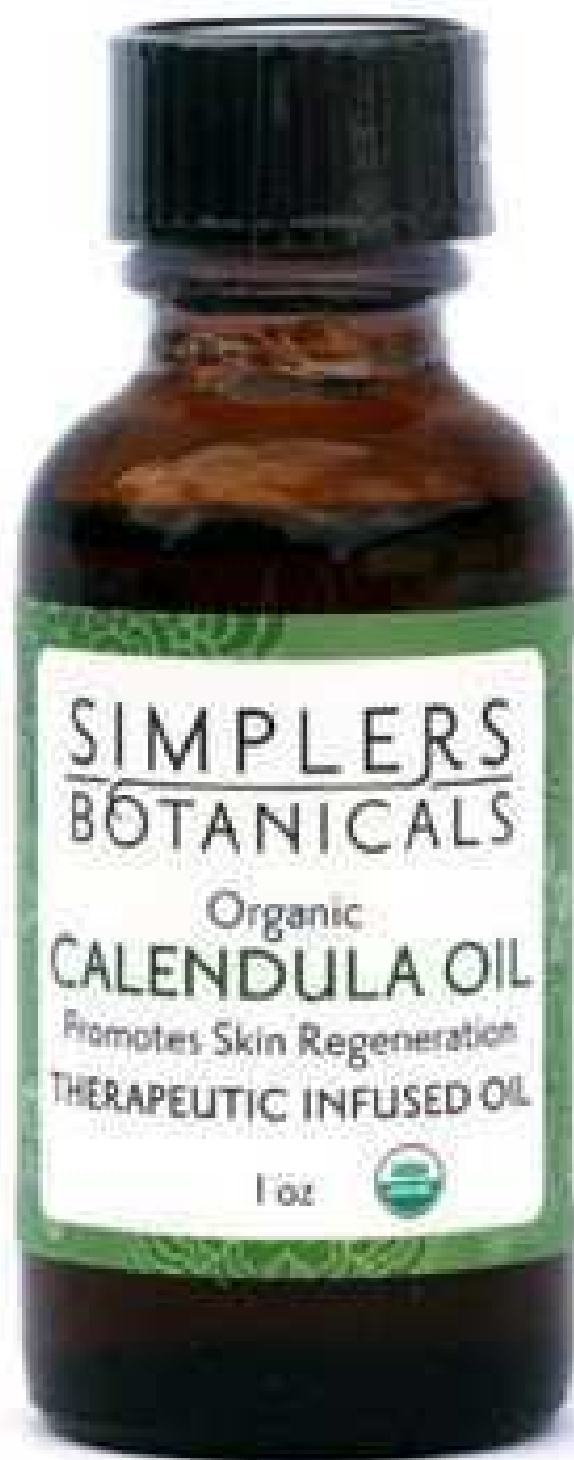


# SIMPLERS

## New! Perfumery Botanicals











## Suggested Initial Set Up: Top 12 Bestsellers

### Singles:

Kava  
St. John's Wort  
Echinacea  
Valerian  
Astragalus  
Chaste Tree (Vitex)

### Compounds:

Stress Relief Compound  
Milk Thistle Compound  
Echinacea/Goldenseal Compound  
Valerian/Hops Compound  
Nettle/Radish Compound  
Hawthorn Compound

## Why bulk extracts are the smart choice

- Free up shelf space and reduce inventory.
- Provide high quality organic extracts to customers while retaining the same profit margin as prepackaged single extracts.
- Organic Plants & Alcohol – We choose our herbs carefully, supporting organic farmers locally and worldwide and are Certified Organic by CCOF.
- Reduce waste and excess packaging.



**Simplers Botanicals** is an herbalist-operated company dedicated to providing highest quality organic herbal extracts. We use certified organic grain (corn) alcohol and we strive to purchase from small family farms whenever possible. All plants in our extracts are certified organic, ethically wildcrafted, or grown without chemicals. We do not use any wildcrafted herbs on the "At-Risk" list, unless they are from cultivated sources.

For more information about At-Risk plants see [www.unitedplantsavers.org](http://www.unitedplantsavers.org).

PO Box 2534, Sebastopol, CA, 95473  
800-652-7646 or 707-824-5900 office@simplers.com

# SIMPLERS BOTANICALS

## BULK LIQUID EXTRACTS DISPLAY OPTIONS



[www.simplers.com](http://www.simplers.com)



## Simplers Botanicals Bulk Liquid Extracts

### Compounds

<b>Bitters*</b>	A reliable remedy for promoting digestion and assimilation. <i>Artichoke, Blessed Thistle, Gentian, Ginger, Chamomile, Wormwood, Dandelion Root, Fennel</i>		
<b>Cramp**</b>	Assists the body in relieving menstrual cramping. <i>Black Haw, Chaste Tree, Yarrow, Motherwort, Wild Yam, Blue Vervain, St. John's Wort</i>		
<b>Dong Quai**</b>	Supports healthy function of the female reproductive system. <i>Dong Quai, Angelica Root, Blessed Thistle, Black Cohosh, Chaste Tree, Ginger, Licorice</i>		
<b>Echinacea/ Goldenseal*</b>	To support the body's immune function in times of stress. <i>Echinacea and Goldenseal</i>		
<b>Ech/Gold Glycerite</b>	To support the body's immune function in times of stress. <i>Echinacea and Goldenseal</i>		
<b>Eucalyptus**</b>	An expectorating remedy to help relieve respiratory congestion. <i>Eucalyptus, Yerba Santa, Grindelia, Hyssop, Elecampagne, Yerba Mansa, Licorice</i>		
<b>Feverfew*</b>	For tonic use as a headache remedy. <i>Feverfew, Ginkgo, Lavender, Wild Yam and Lemon Verbena</i>		
<b>Ginkgo/ Skullcap*</b>	For mental fatigue and nervous exhaustion. <i>Ginkgo, Skullcap, Rosemary, Gotu Kola, Fo Ti</i>		
<b>Hawthorn*</b>	To help nourish and tone the heart and supporting tissues. <i>Hawthorn Berry, Leaf and Flower, Motherwort and Lavender</i>		
<b>Kava/Lavender Glycerite</b>	To help reduce anxiety and stress. <i>Kava and Lavender</i>		
<b>Milk Thistle**</b>	Helps promote body system detoxification and elimination. <i>Milk Thistle, Dandelion Root, Artichoke, Oregon Grape Root</i>		
<b>Nettle/Radish**</b>	A seasonal tonic to help relieve hay fever and allergy symptoms. <i>Nettle, Horseradish, Elder flower, Goldenrod, Goldenseal, Turmeric, Yarrow</i>		
<b>Saw Palmetto**</b>	To support healthy function of the male reproductive system. <i>Saw Palmetto, Echinacea, Marshmallow, Couchgrass, Hydrangea, Licorice, Nettle Root, Oat, Jamaican Sarsaparilla, Yarrow, Buchu</i>		
<b>Stress Relief*</b>	To promote a sense of well being. <i>Passion Flower, Skullcap, Chamomile, Lavender, Nettle Leaf, Oat</i>		
<b>Valerian/Hops*</b>	Calming Sleep Aid. <i>Valerian, Hops, St. John's Wort, Catnip, California Poppy, Blue Vervain, Skullcap</i>		

### Singles

Astragalus*	Echinacea*	Elder Berry Glycerite	Passion Flower*
Black Cohosh*	Echinacea Glycerite	Ginkgo*	Skullcap*
Chaste Tree Berry*	Eleuthero*	Hawthorn*	St. John's Wort*
		Kava	Valerian Root*

\* Certified Organic by CCOF    \*\* Made with Organic Ingredients

## Simplers Botanicals Bulk Display Options

### Space Saver Display

#### 6 Extracts of Your Choice & One Rotary

Compact box mounts on your own shelf and holds one stainless steel rotary dispenser (\$300 value, free leasing) and six extracts.

Six one ounce calibrated dispenser heads (a one time lease fee of \$10.00 each with free replacements as needed).

Place as many units as you wish side-by-side

**Total cost of opening order -  
\$714 for each 6-Extract Unit**



11.5"W x 10.5"D x 25"H

### Upright Display

#### Top 12 Extracts with Two Rotaries

A slim upright display – holds 2 stainless steel rotary dispensers (\$600 value, free leasing) and 12 Extracts

12 one ounce calibrated dispenser heads (a one time lease fee of \$10.00 each with free replacements as needed)

**Total cost of opening order - \$1,428**



18"W x 18"D x 6.5'H

### Both Display Options Include:

A free case of each 1, 2, and 4 ounce bottles (\$66.00 value)

Instructional signage & product information.

Each extract comes with a roll of custom labels providing the name of the extract, ingredients, and the recommended dosage.

**SRP \$6.99 (51% profit margin)**





**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Affordable Naturals, LLC,  Opposer/Plaintiff,  v.  NutraMarks, Inc.,  Applicant/Defendant.	Opposition No. _____ Appln. No. 86078760 Mark: SIMPLERS
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**NOTICE OF OPPOSITION**

**Exhibit C**

[Natural](#)[Organic](#)[Gloss](#)[Shimmer](#)[Home](#) [About Us](#) [Products](#) [Contact Us](#)

## Simply Natural Lip Balm

Moisturize, refresh, renew and repair with our all natural, healing organic ingredients. Renew with organic olive oil, protect with beeswax and SPF, repair with Vitamin E. Always without parabens, sulfates, synthetic dyes, synthetic fragrances, pthalates or GMO's.



Original  
[View Ingredients](#)

### Original

Natural Moisturizer

**Active Ingredients:**  
(Purpose Sunscreen)  
octinoxate (7.5%),  
oxybenzone (3%),  
**Inactive Ingredients:**  
Organic palm oil,  
beeswax, rosemary  
extract, vitamin E



Acai Berry  
[View Ingredients](#)

### Acai Berry

Natural Moisturizer

**Active Ingredients:**  
(Purpose Sunscreen)  
octinoxate (7.5%),  
oxybenzone (3%),  
**Inactive Ingredients:**  
organic coconut oil,  
beeswax, organic extra  
virgin olive oil, flavor,  
vitamin E acetate,  
organic comfrey leaf,



Citrus  
[View Ingredients](#)

### Citrus

Natural Moisturizer

**Active Ingredients:**  
(Purpose Sunscreen)  
octinoxate (7.5%),  
oxybenzone (3%),  
**Inactive Ingredients:**  
Organic palm oil,  
beeswax, organic extra  
virgin olive oil, flavor,



Espresso  
[View Ingredients](#)

### Espresso

Natural Moisturizer

**Active Ingredients:**  
(Purpose Sunscreen)  
octinoxate (7.5%),  
oxybenzone (3%),  
**Inactive Ingredients:**  
Organic palm oil,  
beeswax, organic extra  
virgin olive oil, flavor,

lanolin, rosemary  
extract, vitamin E, red  
33 lake, blue 1 lake, iron  
oxide

organic hemp seed oil,  
rosemary extract,  
vitamin E

organic hemp seed oil,  
rosemary extract,  
vitamin E



Fresh Mint  
View Ingredients



Green Tea  
View Ingredients



Iced Pear  
View Ingredients

## Fresh Mint

Natural Moisturizer

### Active Ingredients:

(Purpose Sunscreen)

octinoxate (7.5%),  
oxybenzone (3%),

### Inactive Ingredients:

Organic palm oil,  
beeswax, organic extra  
virgin olive oil, essential  
oil of spearmint, organic  
hemp seed oil, rosemary  
extract, vitamin E

## Green Tea

Natural Moisturizer

### Active Ingredients:

(Purpose Sunscreen)

octinoxate (7.5%),  
oxybenzone (3%),

### Inactive Ingredients:

Organic palm oil,  
beeswax, organic extra  
virgin olive oil, flavor,  
organic hemp seed oil,  
rosemary extract, vitamin  
E

## Iced Pear

Natural Moisturizer

### Active Ingredients:

(Purpose Sunscreen)

octinoxate (7.5%),  
oxybenzone (3%),

### Inactive Ingredients:

Organic palm oil,  
beeswax, organic extra  
virgin olive oil, flavor,  
organic hemp seed oil,  
rosemary extract, vitamin  
E



Lemon Grass  
View Ingredients



Mint  
View Ingredients



Pomegranate  
View Ingredients



Tea Tree Mint  
View Ingredients

## Lemon Grass

## Mint

## Pomegranate

## Tea Tree Mint

## Natural Moisturizer

**Active Ingredients:**

(Purpose Sunscreen)

octinoxate (7.5%),

oxybenzone (3%),

**Inactive Ingredients:**

Organic palm oil,  
beeswax, organic extra  
virgin olive oil, essential  
oil of lemongrass,  
organic hemp seed oil,  
rosemary extract,  
vitamin E

## Natural Moisturizer

**Active Ingredients:**

(Purpose Sunscreen)

octinoxate (7.5%),

oxybenzone (3%),

**Inactive Ingredients:**

Organic palm oil,  
beeswax, organic extra  
virgin olive oil, essential  
oil of spearmint, organic  
hemp seed oil, rosemary  
extract, vitamin E

## Natural Moisturizer

**Active Ingredients:**

(Purpose Sunscreen)

octinoxate (7.5%),

oxybenzone (3%),

**Inactive Ingredients:**

Organic palm oil,  
beeswax, organic extra  
virgin olive oil,  
flavor, organic hemp  
seed oil, rosemary  
extract, vitamin E

## Natural Moisturizer

**Active Ingredients:**

Organic Palm Oil,  
Beeswax, Organic Extra  
Virgin Olive Oil, Organic  
Tea Tree Oil, Organic  
Hemp Seed Oil,  
Rosemary Extract,  
Vitamin E, Essential  
Oil of Peppermint



Vanilla Mint  
[View Ingredients](#)

**Vanilla Mint**

Natural Moisturizer

**Active Ingredients:**

(Purpose Sunscreen)

octinoxate (7.5%),

oxybenzone (3%),

**Inactive Ingredients:**

Organic palm oil,  
beeswax, organic extra  
virgin olive oil, flavor,  
essential oil of  
peppermint, organic  
hemp seed oil, rosemary  
extract, vitamin E



Vanilla  
[View Ingredients](#)

**Vanilla**

Natural Moisturizer

**Active Ingredients:**

(Purpose Sunscreen)

octinoxate (7.5%),

oxybenzone (3%),

**Inactive Ingredients:**

Organic palm oil,  
beeswax, organic extra  
virgin olive oil, flavor,  
organic hemp seed oil,  
rosemary extract, vitamin  
E



## Simply Organic Lip Balm

Our Simply Lip Balm has gotten even better with a certified organic option for our customers. Each variety has been carefully crafted using the finest premium quality organic Ingredients. This USDA certified organic lip balm glides on smooth and continues to moisturize long after the initial application. Always without parabens, sulfates, synthetic dyes, synthetic fragrances, pthalates or GMO's.



Original  
View Ingredients

### Original

Certified Organic

#### Active Ingredients:

Organic elaeis guineensis (palm) oil, organic cera alba (beeswax), organic extra virgin olea europaea (olive) oil, organic essential oil of mentha piperita (peppermint), organic cannabis sativa (hemp) seed oil, organic essential oil of mentha spicata (spearmint), tocopherol (vitamin E)



Mint  
View Ingredients

### Mint

Certified Organic

#### Active Ingredients:

Organic elaeis guineensis (palm) oil, organic cera alba (beeswax), organic extra virgin olea europaea (olive) oil, organic essential oil of menthe piperita (peppermint), organic cannabis sativa (hemp) seed oil, organic essential oil of menthe spicata (spearmint), tocopherol (vitamin E)



Coconut  
View Ingredients

### Coconut

Certified Organic

#### Active Ingredients:

Organic elaeis guineensis (palm) oil, organic cera alba (beeswax), organic extra virgin olea europaea (olive) oil, essential oil of menthe piperita (peppermint), organic cannabis sativa (hemp) seed oil, organic essential oil of menthe spicata (spearmint), tocopherol (vitamin E)



Green Tea  
View Ingredients

## Green Tea

Certified Organic

### Active Ingredients:

Cera Alba ( beeswax),  
extra virgin olea  
europaea (olive) oil,  
cocos nucifera  
(coconut) oil,  
butyrospeumum parkii  
(Shea butter),  
theobroma cacao  
(cocoa) seed butter,  
natural flavor, cannabis  
sativa (hemp) seed oil,  
tocopherol (vitamin E),  
camellia sinensis (green  
tea) leaf extract



Mango  
View Ingredients

## Mango

Certified Organic

### Active Ingredients:

Cera Alba ( beeswax),  
extra virgin olea  
europaea (olive) oil,  
cocos nucifera  
(coconut) oil,  
butyrospeumum parkii  
(Shea butter),  
theobroma cacao  
(cocoa) seed butter,  
natural flavor, cannabis  
sativa (hemp) seed oil,  
tocopherol (vitamin E),  
magifera indica (mango)  
fruit extract



## Simply Gloss

This all natural, ultra shiny gloss lays on a sheer, sexy wash of color. Available in a variety of shades. Glides on easily and stays on longer. Simply shine lip gloss contains none of the following: parabens, sulfates, synthetic fragrances, synthetic dyes, petro-chemicals or phthalates.



Pink Passion  
View Ingredients

## Pink Passion

Luscious Lips

### Active Ingredients:

Castor Oil, Sweet  
Almond Oil, Beeswax,  
Shea Butter, Mica, Food  
Color, Natural Mint Flavor



Red Redemption  
View Ingredients

## Red Redemption

Luscious Lips

### Active Ingredients:

Castor Oil, Sweet  
Almond Oil, Beeswax,  
Shea Butter, Mica, Food  
Color, Natural Mint Flavor



Benevolent Berry  
View Ingredients

## Benevolent Berry

Luscious Lips

### Active Ingredients:

Castor Oil, Sweet  
Almond Oil, Beeswax,  
Shea Butter, Mica, Food  
Color, Natural Mint Flavor



Promiscuous Peach  
View Ingredients

## Promiscuous Peach

Luscious Lips

### Active Ingredients:

Castor Oil, Sweet  
Almond Oil, Beeswax,  
Shea Butter, Mica, Food  
Color, Natural Mint  
Flavor



Nude Nirvana  
View Ingredients

## Nude Nirvana

Luscious Lips

### Active Ingredients:

Castor Oil, Sweet  
Almond Oil, Beeswax,  
Shea Butter, Mica, Food  
Color, Natural Mint  
Flavor





## Simply Shimmer

All natural slightly tinted lip shimmer replenishes with a luxurious sheen finish. Soften with shea butter, renew with organic olive oil, moisturize with beeswax, and protect with antioxidants. Formulated without parabens, sulfates, synthetic dyes, synthetic fragrances, phthalates and GMO's.



Copper Drop  
View Ingredients

### Copper Drop

Shining Smiles

#### Active Ingredients:

Organic Extra Virgin Olive Oil, Beeswax, Castor Oil, Shea Butter, Lanolin, Mango Butter, Essential Oil of Peppermint, Vitamin E, Rosemary extract, May contain: Mica, red 6, red 7, red 40, iron oxide, titanium dioxide



Polished Pink  
View Ingredients

### Polished Pink

Shining Smiles

#### Active Ingredients:

Organic extra Virgin olive oil, beeswax, castor oil, shea butter, lanolin, mango butter, essential oil of peppermint, vitamin E, Rosemary extract. May contain: Mica, red 6, red 7, red 40, iron oxide, titanium dioxide



Ruby Red  
View Ingredients

### Ruby Red

Shining Smiles

#### Active Ingredients:

Organic Extra Virgin Olive Oil, Beeswax, Castor Oil, Shea Butter, Lanolin, Mango Butter, Essential Oil of Peppermint, Vitamin E, Rosemary extract, May contain: Mica, red 6, red 7, red 40, iron oxide, titanium dioxide



Sparkling Wine  
View Ingredients

### Sparkling Wine

Shining Smiles

#### Active Ingredients:

Organic Extra Virgin Olive Oil, Beeswax, Castor Oil, Shea Butter, Lanolin, Mango Butter, Essential Oil of Peppermint, Vitamin E, Rosemary extract, May contain: Mica, red 6, red 7, red 40, iron oxide, titanium dioxide



Champagne  
View Ingredients

## Champagne

Shining Smiles

### Active Ingredients:

Organic Extra Virgin Olive Oil, Beeswax, Castor Oil, Shea Butter, Lanolin, Mango Butter, Essential Oil of Peppermint, Vitamin E, Rosemary extract, May contain: Mica, iron oxide, titanium dioxide, carmine



Poli Rose  
View Ingredients

## Poli Rose

Shining Smiles

### Active Ingredients:

Organic Extra Virgin Olive Oil, Beeswax, Castor Oil, Shea Butter, Lanolin, Mango Butter, Essential Oil of Peppermint, Vitamin E, Rosemary extract, May contain: Mica, iron oxide, titanium dioxide, carmine



Sheer  
View Ingredients

## Sheer

Shining Smiles

### Active Ingredients:

Organic Extra Virgin Olive Oil, Beeswax, Castor Oil, Shea Butter, Lanolin, Mango Butter, Essential Oil of Peppermint, Vitamin E, Rosemary extract, May contain: Mica, iron oxide, titanium dioxide, carmine

## Our Products

Natural Lip Balm

Certified Organic Lip Balm

Lip Gloss

Lip Shimmer

"We bring organic products back down-to-earth by providing the first all-natural, premium quality, U.S.-made, eco-conscious personal care products offered on the market at a reasonable rate."

